

REMARKS

Claims 88-127 are pending and the PTO has deemed allowable claims 88-111 and 113-127. Claim 112 is amended herewith to more particularly point out certain encompassed embodiments, without acquiescence in any rejection and without prejudice to the prosecution of any removed subject matter in a related divisional, continuation or continuation-in-part application. Reconsideration of the application is respectfully requested.

REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The PTO rejects claim 112 under 35 U.S.C. §112, first paragraph, for alleged nonenablement of the recitation “method of . . . *prophylaxis* . . .” (emphasis added). Specifically, the PTO concedes that the specification is enabling for the recited method of therapy utilizing the encompassed antioxidant compounds for reducing oxidative stress, but alleges that the skilled person is not taught by the specification how to prevent oxidative stress with the certainty of doing so successfully.

Applicants respectfully traverse these grounds for rejection. By the amendment submitted herewith, the instant embodiments are directed in pertinent part to a method of therapy of a patient who would benefit from reduced oxidative stress, comprising administering to said patient a therapeutically efficacious dose of a pharmaceutical composition which comprises an antioxidant compound as recited, and a carrier or excipient.

As disclosed in the specification, the instant embodiments include methods of therapy and prophylaxis of a patient who would benefit from reduced oxidative stress. For instance, in Example 6 at pages 66-68 of the specification and Figures 6-10, the application describes beneficial administration of the recited antioxidant compounds to rats *in vivo* in an art-accepted model of cardiac ischemia. As shown in Example 6, the hearts of rats treated *in vivo* with the antioxidant compounds were protected against ischemia-reperfusion injury-induced decreases in coronary blood flow, left ventricular pressure and heart rate. The protective effect was shown to be conferred by the presence of the mitochondrially targeted antioxidant moiety.

Nevertheless, without acquiescence in any rejection and solely for purposes of advancing the prosecution of the instant application, claim 112 is amended herewith to no longer recite "or prophylaxis". Accordingly, where the PTO acknowledges that the specification is enabling for a method of therapy utilizing the claimed compounds for reducing oxidative stress, it is respectfully submitted that the enablement rejection has been obviated by the present amendment. Reconsideration of the application and withdrawal of the rejection are therefore respectfully requested.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is urged to telephone the applicants' undersigned representative should any unresolved issues remain in the application.

Respectfully submitted,  
SEED Intellectual Property Law Group PLLC

/Stephen J. Rosenman/

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Stephen J. Rosenman, Ph.D.  
Registration No. 43,058

SJR:asl:cw

701 Fifth Avenue, Suite 5400  
Seattle, Washington 98104  
Phone: (206) 622-4900  
Fax: (206) 682-6031

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